

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

CAISSE, BRYAN,

Chapter 7

Case No.: 15-12777 SMB

Debtor

**APPLICATION FOR AUTHORITY TO RETAIN
KITTAY & GERSHFELD, P.C.
AS GENERAL COUNSEL TO THE TRUSTEE
EFFECTIVE OCTOBER 15, 2015**

TO: THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

The application of David R. Kittay, trustee ("Trustee" or "Applicant") of the estate of Bryan Caisse(the "Debtor"), respectfully sets forth and alleges as follows:

1. I am the duly qualified Chapter 7 Trustee in this case.
2. I desire to employ Kittay & Gershfeld, P.C. as counsel in the above-captioned case, effective October15, 2015 the date its services began. Kittay & Gershfeld, P.C. has initiated investigatory work, research and inquiries as to the existence of assets.
3. The Debtor has disclosed a personal injury action that was commenced pre-petition as the result of a pre-petition injury. Resolution of the underlying litigation will require the Trustee's analysis of the facts and how to proceed in light of the bankruptcy filing. In the short time since the Trustee's appointment, Kittay & Gershfeld, P.C. has begun investigation into the Debtor's litigation including a telephone conference with the Debtor's counsel to the Debtor discussing the case. The Debtor's counsel also indicated that there is real property in Florida which may have equity. In addition, the Debtor has indicated that there will

be receivables actions to pursue as well. The Trustee seeks to retain Kittay & Gershfeld, P.C. to further investigate and pursue the collection of assets for the benefit of the estate.

4. In addition, the professional services Kittay & Gershfeld, P.C. may render upon request are as follows:

- (a) To appear for, prosecute, defend and represent Applicant's interest in the assets of the Debtor;
- (b) To prosecute preference, fraudulent conveyance matters and other actions arising under Applicant's avoiding powers;
- (c) To prepare such pleadings, motions, applications, notices, orders and other legal papers as are or may be required by Applicant;
- (d) To conduct and assist Applicant with Rule 2004 examinations, if necessary, in connection with the financial affairs and transactions of the Debtor;
- (e) To assist Applicant in connection with claims objections before the Court;
- (f) To assist Applicant in reviewing priority of lien issues and to prepare such pleadings, motions, schedules and other legal papers as may be required by Applicant;
- (g) To assist Applicant in negotiations and legal discussions with counsel for the creditors of the estate, the Debtor, counsel for landlords and lien holders, and tax counsel, when required by Applicant;
- (h) To appear before this or any other Court to represent and protect the interests of Applicant and the estate before same;
- (i) To assist Applicant in connection with any claims or adversary proceedings concerning the Debtor's discharge and/or

(j) To perform such other legal services as may be required by Applicant and which are in the interests of the estate and the creditors.

5. Kittay & Gershfeld, P.C.'s current hourly legal rates are as follows:

David R. Kittay	\$665.00
Michelle Gershfeld	\$560.00
Judith Siegel	\$550.00
Pamela Vizcarra Paralegal	\$150.00

6. Prior to any increases in Kittay & Gershfeld, P.C.'s rates for any attorney or staff member employed by Kittay & Gershfeld, P.C. and providing services in this case, Kittay & Gershfeld, P.C. will file a supplemental affidavit with the Court and provide ten business days' notice to the Debtor, the United States Trustee and parties in interest of such increase.

7. It is necessary for Applicant to employ Kittay & Gershfeld, P.C. for such professional services pursuant to Sections 327(a) and 330 of Title 11 of the United States Code (the "Bankruptcy Code").

8. Any actions to be commenced by Kittay & Gershfeld, P.C. will solely represent David R. Kittay, as Trustee of the estate.

9. To the best of my knowledge, Kittay & Gershfeld, P.C. does not hold or represent any interest adverse to the Debtor or his estate. Kittay & Gershfeld, P.C. has no connection with the creditors or any other party in interest or their attorneys and is a disinterested person who may be employed pursuant to Section 327(a) of the Bankruptcy Code.

10. I believe that Kittay & Gershfeld, P.C. is a "disinterested person" within the meaning of Sections 327(a) and 101(14) of the Bankruptcy Code as set forth in the Affidavit annexed hereto.

11. It is in the best interest of the Debtor, his creditors and estate that Kittay & Gershfeld, P.C. be retained.

WHEREFORE, Applicant prays for an Order of this Court authorizing Applicant to employ and appoint Kittay & Gershfeld, P.C. to represent me, as the Trustee in this estate, effective October 15, 2015, for legal services together with such other and further relief as appears just and proper to this Court, for all of which no previous application has been made.

Dated: Tarrytown, New York
October 16, 2015

/s/ David R. Kittay
DAVID R. KITTAY, TRUSTEE